

REMARKS

Claims 1-18 are pending in the above application.

The Office Action dated January 12, 2006, has been received and carefully reviewed. In that Office Action, claims 1-6 and 11-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kohinata in view of Udom, and claims 7-10, 17 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kohinata and Udom and further in view of Daudelin. It is believed that claims 1-18 patentably distinguish over the references of record, and reconsideration and allowance of claims 1-18 is respectfully requested in view of the following remarks.

Claim 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kohinata and Udom. Kohinata shows a cell phone that authenticates a user by reading a thumb print. However, as acknowledged in the Office Action, Kohinata does not send an authentication result to a communication base station if authentication fails. Udom shows a mobile device such as a PDA equipped with a fingerprint reader which is used, essentially, as a key to allow access to another device. If a fingerprint is authenticated, the mobile device sends a signal to the other device to “unlock” the other device. If authentication fails, a denial message is sent to the other device.

Claim 1 requires a mobile terminal that includes, *inter alia*, an identity information inputting section for inputting identity information of a current user of the mobile terminal for identification of an authentic user of the mobile terminal. Udom does not include this feature; that is, Udom’s mobile terminal can be used by anyone. The terminal sends authentication signals to a base station because it is the base station that is being “unlocked.” Udom is not directed to allowing selective access to a mobile terminal but, rather, to using a mobile terminal to unlock other devices. Therefore, as discussed below, it might be possible to make Kohinata send a signal when authorization is denied, but neither Udom nor any other art provides a motivation for giving Kohinata this functionality. Without a motivation, it does not matter that a particular modification might be possible. MPEP 2143.01.

The Office Action indicates that the proposed modification would have been obvious “in order to control resource access grants by disabling the ability of certain devices from being used

to gain access.” However, Kohinata already includes this feature. Kohinata’s cell phone cannot be used unless a user is first authenticated. Sending a signal to a base station has nothing to do with controlling resource access which is already taught by Kohinata. Therefore, without the benefit of the present disclosure, one viewing Kohinata would have no reason to make Kohinata send authentication results to a base station as required by claim 1.

The next identified motivation for making the combination is to “detect the use of a stolen telephone.” However this statement does not come from Kohinata or from Udom, but only from the present disclosure, see, e.g. page 24, line 4. Nothing in Kohinata or Udom suggests this benefit and thus the combination of these references cannot suggest this benefit. Therefore, because the only motivation for making the combination comes impermissibly from the present disclosure, it is respectfully submitted that a *prima facie* case of obviousness has not been presented and that claim 1 is allowable over the references of record.

Claims 2-10 depend from claim 1 and are submitted to be allowable for at least the same reasons as claim 1.

Claim 3 further distinguishes over the art of record. Claim 3 requires that authentication information comprise facial image information. This is not shown in Kohinata or Udom. However, the Office Action alleges that because retina and audio information as identification information is taught by Udom, facial image information would be obvious. The use of one type of identification information does not make the use of all types of identification information obvious. No reason is provided to show why one skilled in the art would make this further modification to Kohinata, and claim 3 is submitted to further distinguish over the art of record for this reason.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kohinata in view of Udom. Claim 11 is a method claim that includes a step of transmitting an authentication results if inputted identity information differs from stored personal identification information. Claim 11 is therefore submitted to be allowable over the art of record for the same reasons provided above in connection with claim 1.

Claims 12-18 depend from claim 11 and are submitted to be allowable for at least the same reasons as claim 11.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kohinata in view of Udom and further in view of Daudelin. Claim 7 depends from claim 1. Daudelin does not address the shortcomings of Kohinata and Udom discussed above, and claim 7 is therefore submitted to be allowable for the same reasons as claim 1. In addition, Daudelin is directed to a base station that detects fraudulent use of cell phones in an operational area. No reason has been provided for adding functions of this system to Kohinata. Claims 8-10, 17 and 18 are submitted to be allowable for at least the same reasons as claim 7.

CONCLUSION

Each issue raised in the Office Action dated January 12, 2006, has been addressed, and claims 1-18 are submitted to be in condition for allowance. Wherefore, reconsideration and allowance of claim 1-18 is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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